



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Mailed: 2/8/06

td

In re application of
Brinati et al.
Serial No. 08/885,770

Filed: June 30, 1997

For: VDF POLYMERIZATION PROCESS

:
:
: DECISION ON
: PETITION
:

This is a decision on the REQUEST FOR RECONSIDERATION of the petition decision mailed August 23, 2005.

Petitioner is requesting reconsideration of the petition decision mailed August 23, 2005 dismissing the originally filed petition of December 2, 2004 requesting the withdrawal of abandonment.

On March 31, 2003, a non-final office action was mailed to Applicants. The office action contained numerous rejections and objections to the specification based on new matter and claim interpretation. Petitioner argues that the instant specification provides support for all of the subject matter presented by Applicants and that the examiner is interpreting the instant claims too narrowly.

On June 23, 2003 the instant petition under 37 CFR 1.181 was filed did not become aware of the notice of abandonment until just prior to December 2, 2004, the date of filing of the petition. It is also argued that the notice of abandonment was improperly issued due to the timely filing of a CPA request. These arguments are persuasive and the request for reconsideration is **GRANTED**.

The request for withdrawal of the abandonment is also **GRANTED** and the Continued Prosecution Application will be processed. The application is being forwarded to the examiner to take appropriate action.

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

NIKAIDO, MARMELESTEIN, MURRAY & ORAM LLP
METROPOLITAN SQUARE
655 15TH ST NW
STE 330-G ST LOBBY
WASHINGTON DC 20005-0501